

# CITY OF HUNTSVILLE, TEXAS

J. Turner, Mayor



Dalene Zender, Position 1  
Melissa Templeton, Position 2  
Charles Forbus, Position 3  
Lanny D. Ray, Mayor Pro Tem

Tom Cole, Ward 1  
Mac Woodward, Ward 2  
Jack Wagamon, Ward 3  
Wayne Barrett, Ward 4

## HUNTSVILLE CITY COUNCIL AGENDA WORK SESSION (5:45PM) REGULAR SESSION (6:00PM) TUESDAY, APRIL 6, 2010

COUNCIL CHAMBERS  
HUNTSVILLE CITY HALL, 1212 AVENUE M

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936/291-5403), two working days prior to the meeting for appropriate arrangements.

### WORK SESSION [5:45]

The Council will discuss the Graphic Information System. [Bill Baine, City Manager]

### REGULAR SESSION [6:00PM]

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

*U.S. Flag*

*Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

#### 3. INVOCATION

#### 4. PROCLAMATION

- a. Child Abuse Prevention Month, April 2010.
- b. Public Safety Telecommunications Week, April 11-17, 2010.
- c. Sexual Assault & Prevention Awareness Month, April 2010.
- d. National Public Library Week, April 11-17, 2010.

#### 5. PUBLIC COMMENT

#### 6. PUBLIC HEARING

- a. The City will hold a public hearing on the Entergy request for rate increase filed with the City of Huntsville to increase electric rate in the Entergy Service Area by \$210.5 million per year. [Leonard Schneider, City Attorney]

#### 7. CONSENT AGENDA

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on the 23rd of March 2010. [Lee Woodward, City Secretary]
- b. Approve Ordinance 2010-28 to approve stop signs on Molly Drive at Vicki Street, 2<sup>nd</sup> reading. [Aron Kulhavy, Director of Public Works]
- c. Authorize the City manager to extend the current contract for depository banking services with First National Bank of Huntsville for one year. [Winston Duke, Finance Director]
- d. Authorize City Manager to approve the Badger Lane Sewer Project #08-10-30 construction contract and award contract to 5-T Utilities in the amount of \$174,926.07. [Aron Kulhavy, Director of Public Works]

#### 8. STATUTORY AGENDA

- a. *Presentation, discussion and possible action* to approve Ordinance 2010-29 to deny the Entergy rate increase, 1<sup>st</sup> reading. [Leonard Schneider, City Attorney]
- b. *Presentation, discussion and possible action* to approve Ordinance 2010-30 for the Entergy rate refund, 1<sup>st</sup> reading. [Leonard Schneider]
- c. *Presentation, discussion and possible action* on the Office of Attorney General's Motion to Intervene in the Entergy Rate Increase request. [Leonard Schneider, City Attorney]

#### 9. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT

- a. *Presentation, discussion and possible action* to approve nominees for Expo Center/Indoor Arena Study Committee. [Mayor Turner]
- b. *Presentation, discussion and possible action* to approve nomination of Bill Baine to Walker County Public Safety

- Communications Executive Board, to replace Councilmember Barrett. [Mayor Turner]
- c. *Discussion* of supporting fundraising for new counseling building for the Good Shepherd Mission. [Councilmember Wagamon]
- d. *Discussion* of citizen petition traffic issues at Highway 19 and I-45 interchange. [Councilmember Wagamon]
- e. *Discussion* of pledges to flags and invocation with respect to the First Amendment, U.S. Const. [Councilmember Wagamon]
- f. City Manager's Report
  - 1. Discussion of limits to City clearing on private lots in high crime or dangerous areas.

#### 10. PUBLIC COMMENT

#### 11. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

#### 12. ITEMS OF COMMUNITY INTEREST

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

- a. March to the Mailbox Extravaganza for Census 2010. [Mayor Turner]
- b. Census return rates. [Mayor Turner]
- c. Congratulations to the Little Dribblers girls going to Nationals. [Mayor Turner]
- d. Demi-semi-sept-centennial. [Mayor Turner]

#### 13. EXECUTIVE SESSION

- a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.074 - personnel matters regarding the annual evaluation of City Judge, John Gaines. [Mayor Turner]
- b. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with retained counsel, Provost, Umphrey law firm, on legal matters, on legal efforts to recover overcharges by Entergy on electric bill, street lights. [Leonard Schneider, City Attorney]
- c. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551; Section 551.071 to receive legal advice on issues in regards to permit renewals, Texas Alcoholic Beverage Commission regulations, and drinking establishments including but not limited to Sam's Fast Food Mart; update on AT&T litigation; update on Chamber of Commerce litigation. [Leonard Schneider, City Attorney]
- d. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, City Attorney. [Mayor Turner]

#### 14. RECONVENE

#### 15. ADJOURNMENT

\*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code.

If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

#### CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the April 6, 2010, City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.huntsvilletx.gov](http://www.huntsvilletx.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: \_\_\_\_\_

TIME OF POSTING: \_\_\_\_\_ am/pm

TAKEN DOWN: \_\_\_\_\_ am/pm

\_\_\_\_\_  
Lee Woodward, City Secretary

**MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 23<sup>rd</sup> DAY OF MARCH 2010, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6PM.**

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Tom Cole, Mac Woodward, Jack Wagamon, Dalene Zender, Melissa Templeton, Charles Forbus, Lanny Ray, Wayne Barrett

COUNCILMEMBERS ABSENT: none

OFFICERS PRESENT: Bill Baine, City Manager; Leonard Schneider, City Attorney, Lee Woodward, City Secretary

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**WORKSHOP SESSION [5:30PM]**

**Council will discuss the possibility of an Expo Center/Indoor Arena. [Mayor Turner]**

The Mayor called the meeting to order at 5:30pm.

The Mayor stated he believed they had three basic parts to cover; first being to review the handout on the current use of Hotel Occupancy Tax money, second, the HOT Board members would discuss what they have in mind for the project, and third, other Council members could ask questions and have general discussion. The Mayor briefly outlined the last five years of HOT revenue and expenditures from the handout.

Councilmember and HOT Chairman Forbus said the four items he felt they needed to address were:

1. Do the citizens want an Expo Center?
2. If they do, what would it look like and what kind of facilities would it have?
3. How much is it going to cost?
4. How will it be financed?

He said he thought the committee members would be volunteering, but that there was the \$30,000 available if needed for projects. Forbus said Karen Fletcher's company had a hotel in Glen Rose, and had offered to take the HOT Board and some other committee members there to see the Expo Center/Arena in that community.

The Mayor said a fifth item would be operating expenses in addition to construction costs.

Councilmember Ray suggested a large steel expo center with breakout rooms, a parking lot, and an indoor arena. He pointed out that some of the local hotels were filled for the weekend for the Fair and Rodeo, and also that the Sam Houston State University Rodeo Team had won several national championships, yet still had to hold their events in Conroe. He said the idea was for growth in tourism and benefit to local businesses in addition to hotels.

Ray also presented feasibility studies from other areas. He said some facilities do turn a profit, although an operating expense was to be expected. He also suggested planning with an eye to bringing back the prison rodeo, which he said would be amazing. Ray further asked that the HOT Board members also be placed on the committee, and that the committee return several possibilities for facilities. He said he hoped they would also look for public and private donations to assist, and it would be a shame if they did not try to find out if this was feasible.

Councilmember Forbus said it was important that the committee get to work right away in case there needed to be requests made of the Legislature.

Councilmember Wagamon asked if they could get numbers from Glen Rose for construction and operating costs. The Mayor mentioned that one candidate for the committee was Blaine Hinds, a former City Manager from Ardmore, Oklahoma, which has an older but similar facility. Councilmember Ray confirmed that some of the information Councilmember Wagamon asked for was in one of the studies he would have distributed to all Councilmembers.

Councilmember Templeton asked how a new center would affect the current Fair and Rodeo. Ray said it would be up to them, but that the current venue had limited parking and could not sell alcohol. He also said there was no intent to put them out, that perhaps the old facility could be used in conjunction.

The Mayor said he expected the facility would work with the Fair and the University. Forbus said he felt the trip to Glen Rose would also provide an opportunity to speak to local businesspeople about effects of a center.

Councilmember Cole said he felt this was similar to the golf course, would be expensive for the City and for the taxpayers, and would be in direct competition with existing entities. He also said he seriously doubted the prison rodeo was a possibility, due to changes in inmates and employees, and also liability and the litigious nature of society. He said that the prison was part of the security before, but that the City would be responsible at its own facility.

Councilmember Ray said no general fund money or bonds would be used for this project, or he would oppose it, that he thought it was a productive way to use HOT funds and help tourism by actually bringing people to the community. The Mayor recalled that was initially also said about the golf course. Cole also said Texas had nice weather and that indoor arenas were for other parts of the county.

Councilmember Barrett said some members of the Council had been discussing this more, and that he was very serious about the feasibility study but that was as serious as he was, and he hoped that the committee was charged with a true

feasibility study, to first answer not "How big it should be?", but "Should it be?" He said he hoped to see lots of hard data than anecdotal evidence. He said he was also concerned about how the prison rodeo kept coming up in relation to this, and would not want to see them do it even because of a 15-20% chance that the prison rodeo would possibly return. He said a clear commitment for and against it from the prison would be more useful.

Barrett also said the Council had voted on a feasibility study, not to do the project. He said that, in the past year, some ideas had gathered strength and become promoted as being decided on before the Council had voted on them, and wanted the Council to maintain a healthy degree of skepticism until this idea had been fully explored.

Councilmember Woodward said he felt the Council was responsible for giving the public as much accurate and correct information they could, and the public could decide. He also said the nominees of whom he had heard seemed very diverse, which he thought was good.

Mayor Turner said he would put forth a slate of possibly twenty-five nominees at the next Council meeting, and asked that Councilmembers contact him if they wished to discuss it. He also encouraged them to submit any names they wished to have considered as nominees.

The meeting adjourned at 6:00pm.

#### **REGULAR SESSION\* [6:00PM]**

##### **1. CALL TO ORDER**

Mayor Turner called the meeting to order at 6:02pm.

##### **2. PLEDGES OF ALLEGIANCE**

##### **3. INVOCATION**

Councilmember Barrett gave the invocation.

##### **4. PROCLAMATION**

a. Proclamation 2010-28, Public Housing Month, April 2010.

##### **5. PRESENTATION OF SPRING 2010 INTERNS TO COUNCIL**

##### **6. PUBLIC COMMENT**

There were no public comments.

##### **7. CONSENT AGENDA**

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on the 9th of March 2010. [Lee Woodward, City Secretary]
- b. Approve Ordinance 2010-25 to approve stop signs on Gainous Street, 2<sup>nd</sup> reading. [Aron Kulhavy, Director of Public Works]
- c. Approve Resolution 2010-23 to apply for, accept if awarded, and implement the USDA Farmer's Market Promotion Program grant, no match required. [Dr. Sherry McKibben, Community Development Specialist]
- d. Authorize City Manager to allow change order to Purchase Order 2010-095 in the amount of \$56,087.75 for completion of repairs to Water Well # 14. [Billie Smith, Procurement Manager]

Councilmember Zender made a motion to approve the consent agenda. Councilmember Forbus seconded the motion.

Dr. Sherry McKibben, Community Development Specialist, confirmed that the Farmers' Market grant did not require a match from the City, would be awarded by September, and available for use in October, for a farmers' market to run every weekend through the growing season. She also said it could be used for the cost of a director or intern to help run the market, but could not be used to lease or purchase property.

The Mayor mentioned that he had spoken to a couple of local organic gardeners who expressed excitement over the project. Councilmember Ray said he thought it was a great idea, and Councilmember Templeton suggested the Master Gardeners could be involved.

Councilmember Zender mentioned the current growers who sell biweekly, and that there were buyers for these products.

The motion passed unanimously.

##### **8. STATUTORY AGENDA**

- a. **Discussion and possible action to approve Ordinance 2010-27 described as "An Ordinance Authorizing the Issuance and Sale of City Of Huntsville, Texas, General Obligation Bonds, Series 2010; Providing for the Security for and Payment of Said Bonds; Prescribing the Form of Said Bonds; Awarding the Sale Thereof; Approving the Official Statement and a Bond Purchase Agreement; and Enacting Other Provisions Relating to the Subject", single reading only, per Texas Government Code, Section 1201.028. [Winston Duke, Finance Director]**

Councilmember Forbus made a motion to approve the Ordinance. Councilmember Templeton seconded the motion.

Finance Director Winston Duke said it was a \$3.5 million placement with First National Bank for the publicly approved bonds. He said the rate 3.26% on a 15 year note, 15 year amortization and that they intended to put a 10 year call on it.

The motion passed unanimously, 8-1, as Councilmember Woodward signed a conflict of interest form instead of voting.

- b. **Discussion and possible action to approve Ordinance 2010-28 to approve stop signs on Molly Drive at Vicki Street, 1<sup>st</sup> reading. [Aron Kulhavy, Director of Public Works]**

Aron Kulhavy, Director of Public Works, said it was a potentially dangerous intersection, that stop signs had been up for ninety days, and that it had had a positive impact on traffic.

## 9. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT

- a. **Presentation, discussion and possible action to approve nominees for HOME grant selection committee. [Mayor Turner]**

Mayor Turner made a motion to approve the nominees. Councilmember Ray seconded the motion.

Councilmember Woodward asked about their duties and was told they would review applicants for the grant monies already received by the City.

The motion passed unanimously.

- b. **Presentation, discussion and possible action to approve nomination of Karen Fletcher to the Hotel Occupancy Tax Board. [Mayor Turner]**

Mayor Turner made a motion to approve the nomination. Councilmember Ray seconded the motion.

The Mayor said he felt the HOT Board would be well served by having a local businessperson on the committee.

The motion passed unanimously.

- c. **Update from Hotel Occupancy Tax Board. [Councilmember Forbus]**

Councilmember Forbus presented the following report:

### **Hotel Occupancy Tax Board Report** **Meeting Date March 11, 2010** **Items of interest**

- 1) No new applications were presented
- 2) Discussed pending applications for Sam Houston Folk Festival and Walker County Historical Commission. Recommended funding \$3,000.00 for the Folk Festival and \$6,000.00 for the WCHC proposals.
- 3) Updated the Board on the funding approved by City Council for the Walker County Fair and Rodeo in the amount of \$10,000.00.
- 4) Charlotte Oleinik updated the Board on use of funding previously awarded to the Veteran's Museum.
- 5) Kimm Thomas gave a preliminary report on the possible formation of a Tourism Advisory Board that would primarily function in an advisory capacity and possibly also act as an information dispersing avenue for planned events around the area.
- 6) The Board announced that the funds available for proposed events was depleted for the present year and any further applications would have to be considered in the next year's budget.
- 7) The Board announced that future applications for funding would have to be submitted during this year's budget cycle and that any organization that wanted a proposed project funded would need to present it at that time. Information regarding timing for proposal presentation will be available on the City's web site, in the City Connection, and also in future press releases.
- 8) The Board received the Hotel Occupancy Tax report prepared by Rachel Smith. Collections for month ending Feb. 28, 2010 were \$29,901.36 compared to \$35,807.82 for the same month last year, down

16.49%. Year to date collections are down 9.63% from \$230,417.93 to \$208,225.76.

- 9) The Board discussed the proposed Expo-Center feasibility committee and reiterated that its purpose was to determine if there was a need for a center, the scope of the facility, size and amenities, costs and how to best finance if a project was recommended..

Forbus also mentioned that Karen Fletcher of the Huntsville Hospitality Association has reported local hotels are experiencing record occupancy for the Fair and Rodeo this weekend.

- d. ***Presentation, discussion and possible action to approve Hotel Occupancy Tax Board recommendations (\$6,000 for Walker County Historical Commission, \$3,000 for Sam Houston Folk Festival) from March 11, 2010 meeting. [Councilmember Forbus]***

Councilmember Forbus made a motion to approve the HOT Board recommendations. Councilmember Templeton seconded the motion.

The motion passed unanimously, 8-0, as Councilmember Cole signed a conflict of interest form instead of voting.

- e. ***Presentation, discussion and possible action to authorize the Walker County Public Safety Communications Committee to use \$45,437.61 of City of Huntsville contributions to supplement the purchase/installation of a new dispatch software system and associated hardware. [Councilmember Forbus]***

Councilmember Forbus made a motion to approve the purchase. Councilmember Templeton seconded the motion.

Councilmember Templeton asked what improvements would be seen as a result of the expenditure. Debra Gilbert of the Walker County Dispatch said changing to almost any system would be an improvement over what was being used now. Gilbert said those would include ease of use on the part of the dispatchers, quicker response time, fewer issues with the CAD system, and that the new system was user-customizable and would make the system flow more smoothly and make a tremendous difference.

Chris Vasquez, IT Manager, said an advisory committee had reviewed ten software demos and took four onsite visits before recommending ICS, the chosen company, and said he felt the company had a good reputation.

The motion passed unanimously.

- f. ***Presentation, discussion and possible action regarding Ravenwood finance plan. [Councilmember Wagamon]***

Councilmember Wagamon spoke on items f & g together. Aron Kulhavy, Director of Public Works, reviewed the road, water & drainage improvements required for the TIRZ agreements. He then discussed the Ravenwood public works list of October 2008, all of which was accepted and is complete, with the exception of some sidewalks and landscaping.

Councilmember Wagamon expressed disagreement with the fact that things such as detention ponds on property not owned by the City were considered as public improvements. Mr. Kulhavy said his understanding was that the City of Huntsville had traditionally accepted such improvements in this manner, although the City required the owners to maintain these, which was preferable to the City having to maintain it. Councilmember Wagamon said the Development Code required the maintenance.

The Mayor said that his experience was that detention areas were privately owned, and were intended to maintain runoff at the same rate, regardless of the development on the property. Councilmember Ray said the original agreement showed detention ponds and drainage were designated as public improvements.

Councilmember Wagamon said you could call something public, but just because it's in a contract, that doesn't make it so. He said this was a question of reimbursement under the tax code, and wasn't up to the Council to make that call, that it doesn't matter if it's on a list or who approved it. He said he felt whether it was public was an easy determination to make, for things that were not owned by the City of Huntsville, such as the iron fence or water features, regardless of their benefit.

Councilmember Forbus said he thought the City Attorney should make a determination. The City Attorney said the general answer was that if the Tax Code whereby the TIRZ was created and funded allows this and doesn't distinguish between private and public ownership, then the contract is appropriate. He further said that if there is case law saying it is not appropriate, then there may be a void portion of the contract by law, but that this was a general answer.

Councilmember Templeton confirmed with Mr. Kulhavy that all the items on the list were done except the sidewalks and landscaping. Councilmember Woodward asked, to date, what the value of the reimbursables was, and Mr. Baine said approximately \$3.4 to \$3.6 million, with about \$400,000 not completed yet. Councilmember Woodward asked if the improvements on the front, the deceleration lanes, were approved by TxDOT, and Mr. Kulhavy confirmed that was so.

Councilmember Ray said he thought they should do what they can to promote this area now that it's open, but

had concerns as the last three public comments from the developer were threats of litigation, and that he felt the Council was owed a visit and an explanation. Councilmember Wagamon said he was comfortable with the City Attorney looking into what the developer could be legally reimbursed for.

Councilmember Woodward asked where they were with reimbursements. City Manager Bill Baine said a TIRZ meeting had been scheduled four weeks hence, and they were waiting for the TIRZ report at that time. Councilmember Woodward reconfirmed that the reimbursement was based on the taxes paid, and the Mayor said it would be roughly \$40,000 for this year.

- g. Presentation, discussion and possible action regarding Ravenwood project plan, specifically the list and location of public improvements as outlined in 311 of the tax code. [Councilmember Wagamon]**
- h. Discussion of public improvements at Ravenwood. [Bill Baine, City Manager]**

Mr. Baine said this was a discussion of extending the time period for public improvements, since, if the developer was encouraged to put them in shortly, they would be destroyed when later development came in. He said he would like to require a performance bond for the public improvements and give the developer a year's extension, in order to help the development "make it".

Councilmember Forbus said he thought it was a laudable thing to do and showed support. Councilmember Wagamon said he would like at least a letter from the developer saying that he was not going to sue the City. Councilmember Ray agreed, as there were two threats of litigation in writing, that he would also like to know if that was still on the table.

Councilmember Barrett asked if the extension could be granted but revocable in the instance of litigation. Mr. Kulhavy said that was already in the agreement, that it was revocable for cause. City Attorney Schneider said he would not want to do so, but would have to look into it. Councilmember Forbus said perhaps the City Attorney could get a letter of the type Councilmember Ray suggested before a decision was made.

The City Attorney said he could request a clarification if litigation over the reduction in size of the TIRZ was still pending, and could relay any response to the Council. Councilmember Barrett said he shared the concerns and would be satisfied with this plan of action.

- i. Discussion of moving Tax Increment Reinvestment Zone (TIRZ) boundary to I-45 in order to capture value of public improvements. [Bill Baine, City Manager]**

Mr. Baine said this item was to inform the Council that the consultant hired for the TIRZ report had advised that the TIRZ boundary be extended to the median of the I-45 feeder to include the deceleration lane, and was not growing the buildable property, just allowing the developer to get credit for those improvements.

Councilmember Cole asked how TxDOT's property could be included, and the Mayor said they were extending an economic incentive, not requiring that anything be done on the property.

Councilmember Barrett confirmed that this change was to allow the developer to be reimbursed, and said he felt this should be set aside along with the previous item, for the same reasons. Mr. Baine said this was not to be decided that evening, and would have to be voted on by both the Council and the TIRZ Board.

Councilmember Woodward confirmed that this would also be an extension on Smither Drive, as per the survey. Councilmember Zender asked what the total amount was for these changes, and Mr. Kulhavy said he did not have an exact amount, roughly \$200,000. Councilmember Templeton asked if the developer built and paid for the lanes, and the Mayor said that, technically, TxDOT built them and the developer paid for them.

Councilmember Wagamon pointed out that this was a public improvement in that the public owned it.

\*(Additional discussion on this item occurred at the end of the next item.)

- j. Presentation, discussion and possible action on City policy on media contacts, as a representative of the City, regarding future policy decisions. [Councilmember Wagamon]**

The Mayor said he had discussed with Councilmember Wagamon the issue of speaking with the media on items that had not been adjudicated by the Council. The Mayor said this was already addressed in the Rules of Procedure, and, that as an organization, the City should only speak to policy matters that have been decided. He further said that, as individuals, all associated with the City may speak as they wish, resulting in two levels of communication, either individual or organizational.

Councilmember Wagamon said he thought the difference was that an elected official speaking on public policy could be voted out of office or recalled, but that if the public didn't like what a City employee said on policy, there was no recourse or remedy even though the employee was being paid with his or her tax dollars. He also said it was fine for factual information to be given out by employees, but not advocacy for or against policy issues.

Councilmember Ray said employees have a first amendment right off-duty as long as it is not disruptive, and that City policy says employees are not to volunteer information on any City business to the media. He said elected officials have an unfettered right to advocate, although he didn't think it was ethical for Councilmembers to "go

around saying "The City of Huntsville thinks..." The Mayor said individuals might always speak for themselves as long as it's not disruptive, but that no individual can speak for the organization.

Councilmember Woodward said employees' opinions were a valuable tool for the Council. Councilmember Templeton said she would like to hear what employees think, but she didn't want to read it in the paper. The Mayor said this was why the agenda item was in reference to media contacts.

Councilmember Forbus said he thought all City business had to pass through the Public Information Officer. Mr. Baine said he thought there was a difference between the promotion of an idea versus giving factual information.

\*At this point, the Mayor returned to the previous item, saying the City Manager had just told him the bond was due to expire April 1<sup>st</sup>. The City Manager said he wanted the bond in effect, and that he felt the spirit of the Council was that they wanted him to leverage the bond for the letter discussed. He said he had had several face-to-face conversations with the Ravenwood development people in the last year and a half, that many of the members have changed, and that they have been fairly easy to work with and have not brought up litigation. He said he would be happy to get on the phone in the morning and try to get the litigation question worked out, but asked what their desire was if he could not. Mr. Baine said the deadline had been extended a couple of times, the country was in recession, and he thought they wanted him to live up to the spirit of the agreement.

Councilmember Ray asked if the bond was tied to the extension, Mr. Baine said it was, but the boundary extension was not. Mr. Kulhavy said the City Engineer had the option to extend due to engineering concerns, and that this was not related to the TIRZ. He also said the developer had only asked for an extension of a few months, but the City staff thought it would be worse to have the improvements be installed in the summer and likely die, and therefore suggested a year extension.

Councilmember Forbus asked if this would require a special session. Mr. Baine said he was disclosing that he wanted a performance bond. Councilmember Wagamon again asked for a statement from the developer in the next week that they were no longer scheduling litigation, or the bond should be called.

Councilmember Barrett said he felt the City Manager had done a very good job keeping all this going, and that it was in the City's interest to keep the project moving smoothly. He said he would like the City Manager the ability to exercise his judgment in keeping with the concerns of the Council.

The Mayor said he would like to reiterate what Councilmember Barrett said, and that he had confidence in Mr. Baine and that he thought he would protect their interests. Councilmember Ray asked if the City Manager already had license to make this decision, and Mr. Baine confirmed he did.

**k. Discussion of possible solutions to ongoing sales of drugs on the street in Ward 3. [Councilmember Wagamon]**

Councilmember Wagamon said he intended to speak with the City Attorney about drug problems in Ward 3. He said the police had made great efforts and the citizens had gotten involved. He said there might be something the Council could do by passing an ordinance that would give the police department some additional tools.

Interim Chief Kevin Lunsford gave a PowerPoint presentation on narcotics enforcement (below).

**# of individuals arrested on narcotics charges to date, FY09-10**

Ward 1 – 43  
Ward 2 – 51  
Ward 3 – 117  
Ward 4 – 26

**Future plans for narcotic enforcement include:**

- a. Increase community awareness and encourage citizens to report suspicious activity. Exploration of using a drug hot-line for people not wishing to call Crimestoppers, etc.
- b. Attach the K-9 and handler on part time basis to Problem-Directed Policing Unit (PDPU) to work closer with them and help increase community awareness.
- c. Redirect efforts toward street level narcotics enforcement by PDPU team as well as patrol officers, if that is the direction deemed most appropriate by Council and Manager.
- d. Continue to work with Mr. Roempke in identifying and removing abandoned crack houses – improving the appearance of the community, etc.
- e. Advanced training for newer patrol officers on street level drug enforcement
- f. Continue / Enhance working relationships with other agencies: WCSO, DPS, UPD, etc.

*Please be aware that historically, enhanced enforcement efforts tend to generate citizen complaints of harassment, prejudicial treatment, etc. Council and staff should be prepared for these types of complaints.*

Councilmember Forbus asked if they had considered walking beats randomly. Interim Chief Lunsford said they had had some success with both K-9 and bike patrols. Councilmember Wagamon thanked the police department for all the work they had done.

**l. City Manager's Report**

**1. Update on 30" water line repairs.**

Mr. Baine thanked Carol Reed and approximately 21 of her employees for the great job they had done on



the successful repairs. He asked that they hire someone to tell them exactly why the pipe failed.

Mr. Baine also showed a short film clip of Well #19, a 900gpm/1400' deep well, where the pipe was disintegrating and the filter was exposed. He said he would be asking for about \$300,000 to repair this well, hopefully before August, to match the City's water consumption needs and hurricane risk.

**2. Discuss refund on street light overcharge settlement.**

Mr. Baine said the City Attorney told him there is a pending resolution that will come up for approval at the next Council meeting.

**3. Discuss \$114,000 library grant.**

Mr. Baine said the City had the opportunity, thanks to Representative Kolkhorst, to apply for a library grant on short notice. He said it did require a match, which the Friends of the Library are supplying most of, and is for computer technology the City would have to buy anyway to expand the number of computers available in the library.

**4. Discuss garbage truck availability.**

Mr. Baine said the City's automated trucks, despite the heroic efforts of James Archie, Fleet Manager, have only about a 60% availability. He said he had also met with fleet operators from Lufkin and with a third-party concern that hauls solid waste, and both conversations yielded similar 60% answers. Mr. Baine said four of the trucks are more complex than normal, and that he and Mr. Archie were going to pursue some alternatives to buying a spare truck.

**5. Update on new City Engineer.**

Mr. Baine introduced Yellambalsi "Ram" Ramachandra, the new City Engineer, and said his work experience pretty much match the City's skill set. The Mayor welcomed Mr. Ramachandra on behalf of Council.

**10. PUBLIC COMMENT**

There were no additional public comments.

**11. MEDIA INQUIRIES**

There were no media inquiries made.

**12. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

- a. March to the Mailbox Extravaganza will be held Saturday, April 10, 1-4pm, at Eastham-Thomason Park.
- b. Congratulations to Hornet and Bearkat basketball teams.

The Mayor said all should be very proud of the performances of both teams.

The Mayor said the Veterans Affairs Advisory Board had received the good news that the National Guard 72<sup>nd</sup> Battalion has an unofficial return date around September 1<sup>st</sup>. He said it would be important to welcome them, and discussed a fundraiser of a commemorative coin to hold a banquet in appreciation of their service.

The Mayor reminded everyone about the City's 175<sup>th</sup> birthday, the demi-semi-sept-centennial, on Monday, July 12<sup>th</sup>.

Councilmember Ray encouraged all to attend the Walker County Fair and Rodeo.

Councilmember Forbus reminded all of the Rodeo Parade Thursday evening.

Mr. Baine discussed the City's "Lose for Life" health initiative beginning April 1<sup>st</sup>.

Councilmember Wagamon said the Ward 3 Town Hall has been rescheduled, due to snow, for Thursday, April 29<sup>th</sup>.

**13. ADJOURNMENT**

The meeting was adjourned at 8:07pm.

# City Council Meeting Agenda Item

Item Title:

**Ordinance amending traffic schedule**

Date:

3/23/2010

Agenda Item No.:

7b

Requested By:

Aron Kulhavy, AICP, Public Works Director

Dept./Div:

700

Dept. Approval:

AK

**Issue/Item Description:**

Adoption of an ordinance amending the traffic schedule to ratify stop signs on Molly Drive at the intersection of Vicki Drive.

**Background:**

Staff received a request from a citizen to place stop signs on Molly Drive at Vicki Drive. Previous to the installation of the signs, traffic on both streets were going through the intersection uncontrolled resulting in a dangerous situation. Because Molly Drive is a cross street and Vicki a through street, the signs were placed on Molly.

**Facts to Consider:**

- Staff received a citizen concern that drivers were crossing the intersection uncontrolled
- Stop signs have been placed for 90 days and have had a positive effect on traffic safety

**Fiscal Impact/Funding Source(s):**

none

**Attachment(s):**

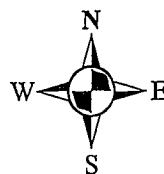
- Ordinance
- Map

**Recommendation(s):**

- Approve the adoption of the ordinance to amend the traffic schedule.

**MOTION:** ☐**SECOND:** ☐**VOTE:**☐ **PRESENTED**☐ **APPROVED**☐ **DECLINED ACTION**☐ **TABLED**☐ **OTHER**

**New Stop Sign Placements  
Molly Dr. and Vicki Dr.  
November 17, 2009**



P11

MOLLY DR



ORDINANCE NO. 2010-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING CHAPTER 44, TRAFFIC AND MOTOR VEHICLES, OF ITS CODE OF ORDINANCES BY PLACING STOP SIGNS ON MOLLY DRIVE AT VICKI STREET; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:

**Section 1:** The following described stop intersection shall be PLACED by the amendments shown below:

Intersection On  
*Molly Drive*

At  
*Vicki Street*

**Section 2:** The City Manager is authorized and directed to cause the placement of proper signs along the above described streets.

**Section 3:** It shall be unlawful for driver of a vehicle to disobey the instruction of the signs placed in accordance with the provisions of this ordinance unless at the time otherwise directed by a Police Officer.

**Section 4:** Any person, firm or corporation violating any provision of this ordinance or failing to comply with any requirement of the ordinance will be guilty of a misdemeanor as provided by Article I, Section 44-4 of Chapter 44 of the Huntsville Code of Ordinances being punishable by a fine of not less than \$1.00 nor more than two hundred (\$200.00) dollars; except that minors who have passed their 14<sup>th</sup> birthday but have not reached their 17<sup>th</sup> birthday shall be punished by a fine of not more than \$100.00.

**Section 5:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect any of the remaining provisions of this ordinance.

**Section 6:** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 7:** This ordinance shall take effect ten (10) days after its passage by the City Council. The City Secretary shall publish the caption of this ordinance in the official City newspaper at least twice within ten (10) days of its passage. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act.

**PASSED AND APPROVED THIS 6th DAY OF APRIL 2010.**

**THE CITY OF HUNTSVILLE**

\_\_\_\_\_  
J. Turner, Mayor

**ATTEST:**

\_\_\_\_\_  
Lee Woodward, City Secretary

**APPROVED:**

\_\_\_\_\_  
Leonard Schneider, City Attorney

# City Council Meeting Agenda Item

Item Title:

**Depository Banking Services Agreement**

Date:

4/6/2010

Agenda Item No.:

7c

Requested By:

Winston Duke/ Bill Baine

Dept./Div:

210

Dept. Approval:

WD

## Issue/Item Description:

To extend the depository banking services agreement with First National Bank of Huntsville for one year.

## Background:

The current depository banking agreement was signed in 2008 and was awarded to First National Bank of Huntsville. The current agreement for banking services was written for a 24 month period with an extension agreement up to (3) three additional years, renewable on an annual basis, according to the Texas Public Investment Act.

## Facts to Consider:

- The present contract is for two years with up to three years of one year extensions.
- The two year term has expired and the city may extend the contract for up to three one-year terms.
- FNB has agreed to extend the contract at the same rates.
- All funds must be collateralized

## Fiscal Impact/Funding Source(s):

None

## Attachment(s):

- 

## Recommendation(s):

- Authorize the City manager to extend the current contract for depository banking services with First National Bank of Huntsville for one year.

MOTION: ☐SECOND: ☐

VOTE:

☐ PRESENTED☐ APPROVED☐ DECLINED ACTION☐ TABLED

# City Council Meeting Agenda Item

Item Title:

**Badger Lane Sewer #08-10-30**

Date:

**4/6/2010**

Agenda Item No.:

**7d**

Requested By:

**Tom Weger**

Dept./Div:

**717**

Dept. Approval:

**AR**

## Issue/Item Description:

Construction contract for Badger Lane Sewer Project # 08-10-30.

## Background:

The project originated from a signed petition of property owners requesting first time sewer service for the area of Badger Lane. Potential service connections for six (6) existing houses and properties. A sealed bid was conducted in accordance with Local Government Code and City of Huntsville Purchasing Policy. Project was approved for funding in the FY 2008-09 budget.

## Facts to Consider:

- Provide first time sewer service to the area;
- Provide a positive response to citizen petition request for service;
- Invitation to bid was advertised on Bid Sync, Electronic State Business Daily, in The Huntsville Item, and the City of Huntsville Web Site;
- Five (5) vendors responded to solicitation

## Fiscal Impact/Funding Source(s):

Budget Account # 702-7127-62300 \$174,926.07

## Attachment(s):

- Bid Tabulation
- Area Map

## Recommendation(s):

- Authorize City Manager to approve the Badger Lane Sewer Project #08-10-30 construction contract and award contract to 5-T Utilities in the amount of \$174,926.07.

MOTION: ☐SECOND: ☐

VOTE:

☐ PRESENTED☐ APPROVED☐ DECLINED ACTION☐ TABLED

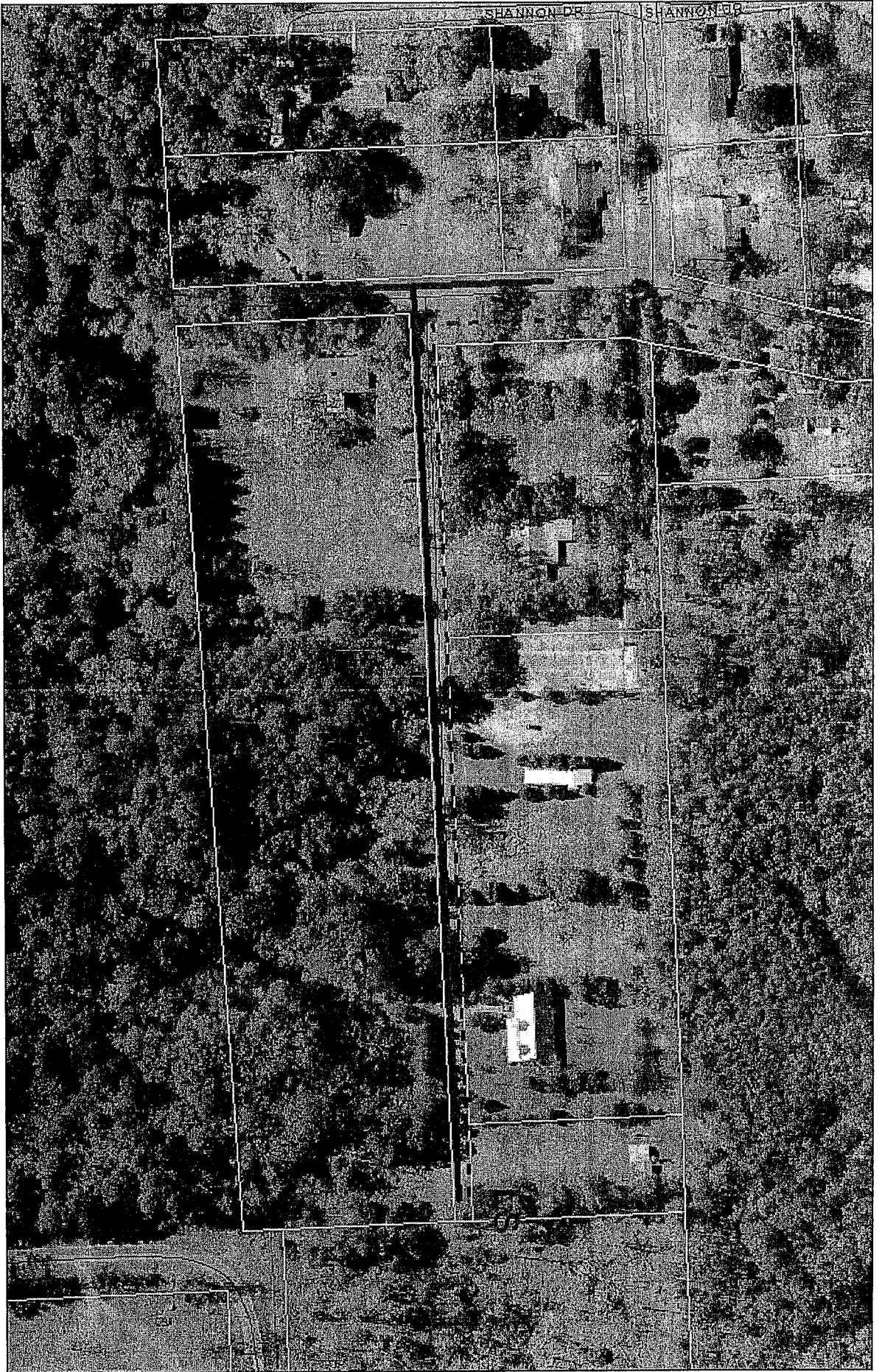


# BADGER LANE SEWER

6 STRUCTURES

1250' - 6"

1350' - 4" FM





TABULATION OF BID OPENING													
on: Wednesday, March 24, 2010													
Project No.: 08-10-30													
Project: Badger Lane Sewer													
Number of Prospective Bidder 15 Actual 5													
Item No.	Description	Estimated Quantity	Unit or Measure	1		2		3		4		5	
				Unit	Bid Price	Unit	Bid Price	Unit	Bid Price	Unit	Bid Price	Unit	Bid Price
				5-T Utilities		Doughtie Construction		D & S Contracting		Elliott Electric		Absolute Industries, Inc.	
				Total		Total		Total		Total		Total	
1	Furnish all materials, labor, equipment and install mobilization including safety issues & signage, and erosion control devises, clean up and seeding per specs.	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 8,500.00	\$ 8,500.00	\$ 11,682.00	\$ 11,682.00	\$ 10,000.00	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00
2	COMPLETE IN PLACE	200	LF	\$ 10.60	\$ 2,120.00	\$ 19.00	\$ 3,800.00	\$ 20.00	\$ 4,000.00	\$ 26.00	\$ 5,200.00	\$ 30.00	\$ 6,000.00
3	Furnish all materials, labor, equipment and install 6" SDR 35 sewer pipe 6' - 8' depths.	1120	LF	\$ 11.40	\$ 12,768.00	\$ 21.00	\$ 23,520.00	\$ 22.40	\$ 25,088.00	\$ 27.00	\$ 30,240.00	\$ 40.00	\$ 44,800.00
4	COMPLETE IN PLACE	1350	LF	\$ 5.46	\$ 7,371.00	\$ 9.00	\$ 12,150.00	\$ 5.60	\$ 7,560.00	\$ 10.50	\$ 14,175.00	\$ 25.00	\$ 33,750.00
5	Furnish all materials, labor, equipment and install Tie into existing SSMH with 6" FM	1	EA	\$ 1,450.00	\$ 1,450.00	\$ 450.00	\$ 450.00	\$ 826.00	\$ 826.00	\$ 400.00	\$ 400.00	\$ 1,500.00	\$ 1,500.00
6	COMPLETE IN PLACE	300	LF	\$ 3,150.00	\$ 3,150.00	\$ 18.00	\$ 5,400.00	\$ 5.90	\$ 1,770.00	\$ 8.40	\$ 2,520.00	\$ 35.00	\$ 10,500.00
7	COMPLETE IN PLACE	40	LF	\$ 2,000.00	\$ 2,000.00	\$ 40.00	\$ 1,600.00	\$ 7.10	\$ 284.00	\$ 10.00	\$ 400.00	\$ 35.00	\$ 1,400.00
8	COMPLETE IN PLACE	180	LF	\$ 2,700.00	\$ 2,700.00	\$ 21.00	\$ 3,780.00	\$ 24.75	\$ 4,455.00	\$ 20.00	\$ 3,600.00	\$ 35.00	\$ 6,300.00
9	COMPLETE IN PLACE	1350	LF	\$ 1,350.00	\$ 1,350.00	\$ 1.00	\$ 1,350.00	\$ 1.20	\$ 1,620.00	\$ 1.00	\$ 1,350.00	\$ 7.00	\$ 9,450.00
10	COMPLETE IN PLACE	1	LS	\$ 67885.99	\$ 67885.99	\$ 65,000.00	\$ 65,000.00	\$ 108,560.00	\$ 108,560.00	\$ 73,800.00	\$ 73,800.00	\$ 62,700.00	\$ 62,700.00



**ORDINANCE NO. 2010-29****AN ORDINANCE BY THE CITY OF HUNTSVILLE, TEXAS  
("CITY") DENYING THE RATE INCREASE REQUEST OF  
ENTERGY TEXAS, INC. FILED ON DECEMBER 30, 2009;  
FINDING THAT THE MEETING COMPLIES WITH THE  
OPEN MEETINGS ACT; MAKING OTHER FINDINGS  
AND PROVISIONS RELATED TO THE SUBJECT; AND  
DECLARING AN EFFECTIVE DATE**

WHEREAS, on or about December 30, 2009 Entergy Texas, Inc. ("Entergy") filed a Statement of Intent with the City to increase electric rates in the Entergy Service Area by \$210.5 million per year; and

WHEREAS, the City of Huntsville suspended the effective date of Entergy's rates within its jurisdictional limits until at least May 4, 2010 and hired the Lawton Law Firm, P.C. to review the Company's rate change request and proposed tariffs;

WHEREAS, the expert utility rate consultants retained to review the Company's rate increase request have made a range of proposed adjustments for areas where Entergy has not justified the need for a rate increase or has failed to comply with regulatory ratemaking requirements. These adjustments on average reduce the Company's purported annual revenue increase to zero dollars, as set out in the recommendations made to the City in the Final Rate Report to Cities Steering Committee ("Report"). The average of the adjustment range, \$207.3, would essentially eliminate any increase requested by Entergy.

WHEREAS, the rate experts retained for the rate review have concluded that Entergy's rate filing request includes rate increases for Entergy's proposed cost of capital, cost of cash working capital, accumulated deferred income taxes, depreciation rates, cost of purchased power capacity, employee compensation—including bonus, stock awards and other compensation—benefits, federal income tax estimates, and storm reserve charges, which are unjustified by Entergy's filing;

WHEREAS, Entergy has failed to justify increasing the rates previously determined to be reasonable and necessary by this City and other Texas regulatory authorities;

WHEREAS, the statutory deadline to act on Entergy's rate increase request is May 4, 2010;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Huntsville hereby denies the rate increase and proposed tariff revisions requested in Entergy's Statement of Intent.

Section 3. Entergy is hereby Ordered to continue operating under its existing approved rates.

Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 6<sup>th</sup> day of Huntsville, 2010.

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J. Turner, Mayor

ATTEST:

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Lee Woodward, City Secretary

APPROVED AS TO FORM:

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Leonard Schneider, City Attorney



Entergy Texas  
P.O. Box 2951  
Beaumont, TX 77704  
Tel 409 981 2135  
Fax 409 981 2075

Agenda Item

8b  
P21

Vernon Pierce  
Director of Customer Service

*Via Hand Delivery*

March 25, 2010

The Honorable J. Turner  
City of Huntsville  
1212 Avenue M  
Huntsville, TX 77340

Re: New Electric Rate Rider Filed by Entergy Texas, Inc.

Dear Mayor Turner:

This letter serves as notice that Entergy Texas, Inc. (ETI or Company) filed on March 25, 2010, a rate request with your municipality, with other local regulatory authorities in Texas, and with the Public Utility Commission of Texas. The filing includes a statement of intent, described below, to put in place a new tariff for a Rough Production Cost Equalization Rider, which will result in a rate reduction with an effective date of April 30, 2010.

As provided in PURA, Section 36.102, the Statement of Intent to be filed with your municipality will include the following information:

1. the proposed tariff;
2. the effective date of the proposed rate reduction;
3. a description of the service for which any change is requested; and
4. a detailed statement of:
  - a. the proposed reduction;
  - b. the effect the proposed reduction is expected to have on the revenues of the utility; and
  - c. each class and number of utility consumers affected.

If you have any questions about this letter, the Statement of Intent filed with your City, or the rate request, please do not hesitate to contact your local customer service manager, Stan Foley at 936-435-7619.

Sincerely,

Vernon Pierce

VP/th

DOCKET NO. \_\_\_\_\_

APPLICATION OF ENTERGY TEXAS, §  
 INC. FOR AUTHORITY TO §  
 IMPLEMENT NEW RPCEA RATE §

**ENTERGY TEXAS, INC.'S  
STATEMENT OF INTENT TO ADOPT NEW RATE**

**TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS AND  
 MUNICIPALITIES EXERCISING ORIGINAL JURISDICTION:**

Pursuant to Sections 14.001, 33.001 and 36.101 through 36.111 of the Public Utility Regulatory Act ("PURA"),<sup>1</sup> and pursuant to applicable Commission Substantive and Procedural Rules, Entergy Texas, Inc. ("ETI" or "Company") respectfully requests that the Commission and municipalities approve the attached Rough Production Cost Equalization Adjustment ("RPCEA") rider designed to credit retail customers' bills with certain payments made to ETI pursuant to the Entergy System Agreement.

In support of these requests, ETI states:

**I. Parties and Jurisdiction**

1. ETI is an electric utility, a public utility, and a utility as those terms are defined in PURA §§ 11.004(1) and 31.002(6).
2. ETI serves approximately 401,000 retail customers in Texas.
3. ETI's business address is 350 Pine Street, Beaumont, Texas 77701. Its mailing address is P.O. Box 2951, Beaumont, Texas 77704-2951. Its telephone number is (409) 838-6631. ETI's regulatory affairs office in Austin, Texas is located at 919 Congress Avenue, Suite 840, Austin, Texas 78701, telephone number (512) 487-3999, facsimile number (512) 487-3998.
4. ETI is a wholly owned subsidiary of Entergy Corporation ("Entergy"), which is a "holding company" pursuant to Federal Energy Regulatory Commission ("FERC") regulations under the Public Utility Holding Company Act of 2005.<sup>2</sup> In addition to ETI,

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<sup>1</sup> TEX. UTIL. CODE ANN. Title 2.

<sup>2</sup> 18 C.F.R. Part 366.

Entergy is the parent company of six other rate-regulated utilities in the United States,<sup>3</sup> two non-profit service companies that were established under the authority of the Securities and Exchange Commission, but are now under the oversight of the FERC,<sup>4</sup> and various other domestic and foreign companies. Entergy's domestic rate regulated utility operating companies ("Entergy Operating Companies" or "operating companies") operate an interconnected transmission and generation system governed by the Entergy System Agreement and associated Service Schedules MSS-1 through MSS-7,<sup>5</sup> which are under FERC jurisdiction.

5. This Application affects all of ETI's retail electric customers and customer classes, except those customers receiving service under the rate schedules EAPS, SMS, LQF and SQF.

6. The effective date of the rate change is for bills rendered with the first billing cycle of the May 2010 billing month (which begins April 30, 2010) and shall terminate with the last billing cycle of the August 2010 billing month.

7. The Commission has exclusive original jurisdiction over this application for service provided to environs customers and to customers within the corporate limits of those cities within ETI's service territory which have ceded their regulatory jurisdiction to the Commission. PURA §§ 14.001, 32.001, 32.002, and 36.101 through 36.111. Municipalities which have not ceded regulatory jurisdiction to the Commission have exclusive original jurisdiction over this Application for service provided to customers within their respective corporate limits. PURA §§ 33.001 and 36.101 through 36.111.

<sup>3</sup> Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Gulf States Louisiana, L.L.C. and System Energy Resources, Inc. ("SERI"). SERI owns the Grand Gulf nuclear plant and sells its output exclusively to Entergy Operating Companies other than ETI and Entergy Gulf States Louisiana, L.L.C.

<sup>4</sup> Entergy Services, Inc. and Entergy Operations, Inc.

<sup>5</sup> MSS-1 is the tariff for equalizing the operating companies' generating capability and ownership cost incidental to such capability. MSS-2 is the tariff for equalizing the operating companies' investment in bulk transmission plant. MSS-3 is the tariff governing the exchange of electric energy among the operating companies and rough production cost equalization. MSS-4 is the tariff governing unit power purchases between operating companies. MSS-5 is the tariff that distributes profits from sales of energy and power to unaffiliated companies for the joint account of all operating companies. MSS-6 is the tariff that provides a means to distribute the cost of the system operations center (the system dispatch center). MSS-7 is the tariff providing a procedure for protecting those operating companies that elect to participate therein from incurring higher fuel and purchased power costs as a result of the merger between Entergy Corporation and Gulf States Utilities Company.

8. Approval of the requested RPCEA Rider will reduce 2010 revenues collected by ETI over the four month billing period of May through August 2010 by \$117,522,050 including interest through the Rider's effective period.

## **II. Authorized Representative, Counsel, and Designation of Service Location**

9. ETI's authorized representative is Mr. Jack Blakley, Vice President, Regulatory Affairs—Texas, who may be contacted at ETI's regulatory affairs office in Austin (address and telephone and facsimile numbers listed in ¶ 1.3. above).

10. ETI's co-lead counsels are:

Steve Neinast  
Assistant General Counsel  
Entergy Services, Inc.  
919 Congress Avenue, Suite 701  
Austin, Texas 78701  
(512) 487-3957 telephone  
(512) 487-3958 facsimile

Jay Breedveld  
Clark, Thomas & Winters,  
A Professional Corporation  
300 W. 6<sup>th</sup> Street, 15<sup>th</sup> Floor  
P.O. Box 1148  
Austin, Texas 78767  
(512) 472-8800 telephone  
(512) 474-1129 facsimile

11. ETI requests that the Commission, the municipalities, the presiding officers, the Commission Staff, and the parties serve all papers (orders, discovery, motions, etc.) regarding this Application on Mr. Neinast's office, as listed in the previous paragraph.

## **III. Notice**

12. ETI requests that the municipalities, pursuant to PURA § 36.103(b), waive the publication of notice because the RPCEA Rider will result in a net rate reduction to affected ratepayers. The proposed mail notice to affected customers is provided as Appendix A. Pursuant to P.U.C. PROC. R. 22.51(b)(1), ETI is not required to publish notice to customers over whose rates the Commission has exclusive original jurisdiction because the RPCEA Rider does not result in a rate increase for any customer.

## **IV. Proposed Tariffs**

13. ETI's proposed RPCEA Rider is provided as Appendix B. The workpapers supporting the proposed RPCEA Rider are provided as Appendix C.



## V. Summary of Filing

14. In 2005, the FERC found that rough production cost equalization had been disrupted on the Entergy System.<sup>6</sup> The FERC approved a remedy in order to maintain the rough equalization of production costs among the Entergy Operating Companies and required annual filings beginning in June 2007.<sup>7</sup> The remedy promulgated by the FERC, and now incorporated in Service Schedule MSS-3 of the Entergy System Agreement, provides that if any Entergy Operating Company's disparity from System average production costs falls outside a +/- 11 percent bandwidth, payments will be made by the low cost Company(ies) to the high cost Company(ies) such that, after reflecting the payments and receipts, no Operating Company's disparity from System average production costs would fall outside the +/- 11 percent bandwidth.

15. In 2009, ETI received such payments pursuant to Service Schedule MSS-3. The RPCEA Rider is designed to pass those payments along to ETI's retail customers in the form of a kWh credit to customers' bills. The following rate classes will receive the RPCEA Rider bill credit:

Rate Class	Number of Customers	May Credit	June Credit	July Credit	August Credit
Residential Service	350,805	\$0.02846	\$0.02144	\$0.01556	\$0.01607
Small General Service	29,910	\$0.02458	\$0.02074	\$0.01695	\$0.01760
General Service	18,725	\$0.02515	\$0.02204	\$0.01950	\$0.01994
Large General Service	322	\$0.02378	\$0.02213	\$0.02059	\$0.02063
Large Indust. Power Service	74	(1)	(1)	(1)	(1)
Lighting Service	1,642	\$0.02440	\$0.02428	\$0.02429	\$0.02425

(1) Credit based on customer specific historical sales at meter.

<sup>6</sup> *Louisiana Public Service Comm'n v. Entergy Services, Inc.* Opinion No. 480, 111 FERC ¶ 61,311 (2005) (Opinion No. 480), *aff'd*, *Louisiana Public Service Comm'n v. Entergy Services, Inc.*, Opinion No. 480-A, 113 FERC ¶ 61,282 (2005) (Opinion No. 480-A).

<sup>7</sup> *Entergy Services, Inc.*, 120 FERC ¶ 61,094 (2007).

**VI. Conclusion and Prayer for Relief**

16. For the reasons set out in this Statement of Intent, ETI requests that the Commission and municipalities (1) allow Rider RPCEA to take effect as proposed in this Application and (2) grant ETI such other relief that it is entitled to receive under the law, equity, and the circumstances of this proceeding.

Dated: March 25, 2010

Respectfully submitted,

Steven H. Neinast  
Assistant General Counsel  
ENTERGY SERVICES, INC.  
919 Congress Avenue, Suite 701  
Austin, Texas 78701  
(512) 487-3957 telephone  
(512) 487-3958 facsimile

CLARK, THOMAS & WINTERS,  
A Professional Corporation  
300 W. 6<sup>th</sup> Street, 15<sup>th</sup> Floor  
P.O. Box 1148  
Austin, Texas 78767-1148  
(512) 472-8800 telephone  
(512) 474-1129 facsimile

By: 

Jay Breedveld  
State Bar No. 00790362

Attorneys for  
ENTERGY TEXAS, INC.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served by facsimile, hand-delivery, overnight delivery, electronic mail or 1st Class U.S. Mail on all parties of record in Docket 37744 on March 25, 2010.

  
Jay Breedveld

### NOTICE OF RATE DECREASE REQUEST

On March 25, 2010, Entergy Texas, Inc. ("ETI"), filed its STATEMENT OF INTENT TO ADOPT NEW RATE ("Application"). ETI filed its Application with the Public Utility Commission of Texas ("Commission") and with those municipal authorities that have original jurisdiction over ETI's electric rates. ETI's filing requests that the Commission and municipal authorities approve a Rough Production Cost Equalization Adjustment ("RPCEA") rider designed to credit customers' bills with certain payments made to ETI pursuant to the Entergy System Agreement. The amount to be credited to customers totals approximately \$117.5 million, including interest through the Rider's effective period. ETI proposes that the RPCEA Rider be effective with bills rendered the first billing cycle of the May 2010 billing month.

ETI is a wholly-owned subsidiary of Entergy Corporation ("Entergy"). In addition to ETI, Entergy is the parent company of six other rate-regulated utilities in the United States. Entergy's domestic rate-regulated utility operating companies operate an interconnected transmission and generation system governed by the Entergy System Agreement. In 2009, ETI received rough production cost equalization payments under the terms of the Entergy System Agreement that have the effect of lowering ETI's production costs. The RPCEA Rider is designed to pass those payments along to ETI's retail customers in the form of a credit to customers' bills. Specifically, ETI proposes to credit customers' bills with approximately \$117.5 million (including interest). ETI proposes to apply the credit to customers' bills over the four month period from May through August 2010. ETI's 2010 revenues will be decreased by the amount of the credit or 30.0% compared to May through August 2009 total revenues.

The requested rate decrease will apply to ETI's approximately 401,000 retail customers. All classes of customers receiving retail electric service from ETI will be affected by the RPCEA rider proposed in the Application, except those customers receiving service under the rate schedules EAPS, SMS, LQF and SQF.

Persons with questions or who want more information on this filing may contact ETI at Entergy Texas, Inc., Attn: Customer Service—2010 RPCEA Rider Case, 350 Pine Street, Beaumont, Texas 77701, or call [1-800-368-3749 (select option 1, then press 0, then press 4, then press 3)] during normal business hours. A complete copy of this application is available for inspection at the address listed above.

Persons who wish to intervene in or comment upon these proceedings should notify the Public Utility Commission of Texas (commission) as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is 45 days after the date the application was filed with the commission.

**SECTION III RATE SCHEDULE**

**ENTERGY TEXAS, INC.**  
Electric Service

**SCHEDULE RPCEA**

Sheet No.: 96  
Effective Date: 4-30-10  
Revision: 1  
Supersedes: RPCEA Effective 7-30-09  
Schedule Consists of: One Sheet Plus  
Attachment A

**ROUGH PRODUCTION COST EQUALIZATION ADJUSTMENT RIDER****I. GENERAL**

This Rough Production Cost Equalization Adjustment Rider ("Rider RPCEA") defines the procedure by which Entergy Texas, Inc. ("Company") shall distribute to Customers the Company's 2009 Rough Production Cost Equalization Remedy Receipts.

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**II. APPLICABILITY**

This Rider is applicable under the regular terms and conditions of the Company to all Customers served under applicable retail electric rate schedules, whether metered or unmetered, and/or rider schedules subject to the jurisdiction of the Public Utility Commission of Texas.

**III. TERM**

Rider RPCEA shall be effective starting with the first billing cycle for May 2010 and continuing through the final billing cycle for August 2010.

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**IV. ADJUSTMENT FACTORS**

The Adjustment Factors billed in accordance with Rider RPCEA shall be set forth in Attachment A to this Rider RPCEA.

**V. TRUE UP**

Any over or under distribution of the 2009 Rough Production Cost Equalization Remedy Receipts through Rider RPCEA including carrying costs will be added to the fuel (under)/over-recovery balance for October 2010.

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**VI. CHANGE IN AMOUNT**

The Adjustment Factors in Attachment A to this Rider RPCEA are based on the amount of the Company's 2009 Rough Production Cost Equalization Remedy Receipts obtained pursuant to wholesale rates calculated by Entergy Services, Inc. under Entergy System Agreement Service Schedule MSS-3. In the event a Federal Energy Regulatory Commission order changes the amount of 2009 Rough Production Cost Equalization Remedy Receipts obtained by the Company, the amount of such change shall be reflected in the Company's fuel (under)/over-recovery balance.

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**Attachment A**  
**Effective 4-30-10**

**ENTERGY TEXAS, INC.**  
**ROUGH PRODUCTION COST EQUALIZATION ADJUSTMENT RIDER**  
**RIDER SCHEDULE RPCEA**

**ADJUSTMENT FACTORS**

The following adjustment will be applied as a kWh charge for all bills, for electric service billed under applicable retail rate and rider schedules\* on file with the Public Utility Commission of Texas. The Adjustment shall be effective for the billing months of May 2010 through August 2010, starting with the first billing cycle of May 2010 billing month. Amounts billed pursuant to this Rider RPCEA are not subject to Rider IHE but are subject to State and Local sales tax.

Applicable Monthly Rate Billing Months					
<u>Rate Class</u>	<u>May 2010</u>	<u>June 2010</u>	<u>July 2010</u>	<u>August 2010</u>	
Residential Service (per kWh)	(\$0.02846)	(\$0.02144)	(\$0.01556)	(\$0.01607)	T
Small General Service (per kWh)	(\$0.02458)	(\$0.02074)	(\$0.01695)	(\$0.01760)	N
General Service (per kWh)	(\$0.02515)	(\$0.02204)	(\$0.01950)	(\$0.01994)	
Large General Service (per kWh)	(\$0.02378)	(\$0.02213)	(\$0.02059)	(\$0.02063)	
Lighting Service (per kWh)	(\$0.02440)	(\$0.02428)	(\$0.02429)	(\$0.02425)	
Large Industrial Power Service**					

\*Excluding Schedules EAPS, SMS, LQF and SQF.

\*\*For customers in the Large Industrial Power Service rate class (Rate Schedules LIPS, LIPS-TOD, IS and SSTS), the Rider RPCEA amount will be based on the customer's actual kWh usage during the billing months of January 2008 through December 2008 and implemented in four equal monthly amounts.

Entergy Texas, Inc.  
Development of Remedy Receipt by Rate Class

May 2010

	Total	Monthly
2008 TY RPCEA Remedy	\$ 117,522,050	\$ 29,380,513

Line No.	Rate Class	Applicable kWh (1) (2)	Allocator	Allocated Remedy	May-09 kWh (1)	May-10 Rate
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Residential	5,686,431,049	35.149979%	\$ (10,327,244)	362,862,849	\$ (0.02846)
2	Small General Service	302,655,622	1.870829%	\$ (549,659)	22,363,800	\$ (0.02458)
3	General Service	3,420,955,109	21.146216%	\$ (6,212,867)	246,990,077	\$ (0.02515)
4	Large General Service	1,460,508,370	9.027954%	\$ (2,652,459)	111,555,143	\$ (0.02378)
5	Large Industrial Power Service (3)	5,225,199,241	32.298930%	\$ (9,489,591)	(4)	(5)
6	Lighting	81,873,723	0.506092%	\$ (148,692)	6,092,954	\$ (0.02440)
7	Total Texas Retail	16,177,623,114	100.000000%	\$ (29,380,512)		

(1) Excludes EAPS, SMS, LQF and SQF

(2) 2008 kWh @ Generation level

(3) Includes SSTS and IS

(4) Historical Sales @ meter (January 2008 through December 2008)

(5) Credit based on customer specific historical sales @ meter

Entergy Texas, Inc.  
Development of Remedy Receipt by Rate Class

June 2010

	Total	Monthly
2008 TY RPCEA Remedy	\$ 117,522,050	\$ 29,380,513

Line No.	Rate Class	Applicable kWh (1) (2)	Allocator	Allocated Remedy	Jun-09 kWh (1)	Jun-10 Rate
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Residential	5,686,431,049	35.149979%	\$ (10,327,244)	481,667,576	\$ (0.02144)
2	Small General Service	302,655,622	1.870829%	\$ (549,659)	26,503,666	\$ (0.02074)
3	General Service	3,420,955,109	21.146216%	\$ (6,212,867)	281,904,400	\$ (0.02204)
4	Large General Service	1,460,508,370	9.027954%	\$ (2,652,459)	119,870,739	\$ (0.02213)
5	Large Industrial Power Service (3)	5,225,199,241	32.298930%	\$ (9,489,591)	(4)	(5)
6	Lighting	81,873,723	0.506092%	\$ (148,692)	6,123,314	\$ (0.02428)
7	Total Texas Retail	16,177,623,114	100.000000%	\$ (29,380,512)		

(1) Excludes EAPS, SMS, LQF and SQF

(2) 2008 kWh @ Generation level

(3) Includes SSTS and IS

(4) Historical Sales @ meter (January 2008 through December 2008)

(5) Credit based on customer specific historical sales @ meter



Entergy Texas, Inc.  
Development of Remedy Receipt by Rate Class

July 2010

	Total	Monthly
2008 TY RPCEA Remedy	\$ 117,522,050	\$ 29,380,513

Line No.	Rate Class	Applicable kWh (1) (2)	Allocator	Allocated Remedy	Jul-09 kWh (1)	Jul-10 Rate
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Residential	5,686,431,049	35.149979%	\$ (10,327,244)	663,612,667	\$ (0.01556)
2	Small General Service	302,655,622	1.870829%	\$ (549,659)	32,424,590	\$ (0.01695)
3	General Service	3,420,955,109	21.146216%	\$ (6,212,867)	318,660,651	\$ (0.01950)
4	Large General Service	1,460,508,370	9.027954%	\$ (2,652,459)	128,814,267	\$ (0.02059)
5	Large Industrial Power Service (3)	5,225,199,241	32.298930%	\$ (9,489,591)	(4)	(5)
6	Lighting	81,873,723	0.506092%	\$ (148,692)	6,122,670	\$ (0.02429)
7	Total Texas Retail	16,177,623,114	100.000000%	\$ (29,380,512)		

(1) Excludes EAPS, SMS, LQF and SQF

(2) 2008 kWh @ Generation level

(3) Includes SSTS and IS

(4) Historical Sales @ meter (January 2008 through December 2008)

(5) Credit based on customer specific historical sales @ meter

Entergy Texas, Inc.  
Development of Remedy Receipt by Rate Class

August 2010

	Total	Monthly
2008 TY RPCEA Remedy	\$ 117,522,050	\$ 29,380,513

Line No.	Rate Class	Applicable kWh (1) (2)	Allocator	Allocated Remedy	Aug-09 kWh (1)	Aug-10 Rate
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Residential	5,686,431,049	35.149979%	\$ (10,327,244)	642,676,982	\$ (0.01607)
2	Small General Service	302,655,622	1.870829%	\$ (549,659)	31,229,794	\$ (0.01760)
3	General Service	3,420,955,109	21.146216%	\$ (6,212,867)	311,611,320	\$ (0.01994)
4	Large General Service	1,460,508,370	9.027954%	\$ (2,652,459)	128,549,595	\$ (0.02063)
5	Large Industrial Power Service (3)	5,225,199,241	32.298930%	\$ (9,489,591)	(4)	(5)
6	Lighting	81,873,723	0.506092%	\$ (148,692)	6,131,767	\$ (0.02425)
7	Total Texas Retail	16,177,623,114	100.000000%	\$ (29,380,512)		

(1) Excludes EAPS, SMS, LQF and SQF

(2) 2008 kWh @ Generation level

(3) Includes SSTS and IS

(4) Historical Sales @ meter (January 2008 through December 2008)

(5) Credit based on customer specific historical sales @ meter

Entergy Texas, Inc.  
RPCEA including Interest

Texas Retail Monthly RPCEA Dollars											
Line No.	Month	Year	Principal RPCEA	Texas Cumulative Balance	Prior Month Balance	Monthly Interest Rate	Current Month Interest	Interest RPCEA	Cumulative Interest Balance	Grand Total Balance	
1	Beginning	Balance							-	-	
2	Jun	2009	16,938,000	16,938,000	-	0.2636433%	-		-	16,938,000	
3	Jul	2009	16,485,963	33,423,963	16,938,000	0.2636433%	44,656		44,656	33,468,619	
4	Aug	2009	16,522,583	49,946,546	33,468,619	0.2636433%	88,238		132,894	50,079,440	
5	Sep	2009	16,612,349	66,558,895	50,079,440	0.2636433%	132,031		264,925	66,823,820	
6	Oct	2009	16,611,428	83,170,323	66,823,820	0.2636433%	176,177		441,102	83,611,425	
7	Nov	2009	16,592,750	99,763,073	83,611,425	0.2636433%	220,436		661,538	100,424,611	
8	Dec	2009	16,446,199	116,209,273	100,424,611	0.2636433%	264,763		926,301	117,135,574	
9	Jan	2010		116,209,273	117,135,574	0.0506918%	59,378		985,679	117,194,952	
10	Feb	2010		116,209,273	117,194,952	0.0506918%	59,408		1,045,087	117,254,360	
11	Mar	2010		116,209,273	117,254,360	0.0506918%	59,438		1,104,525	117,313,798	
12	Apr	2010		116,209,273	117,313,798	0.0506918%	59,468		1,163,993	117,373,266	
13	May	2010	(29,052,318)	87,156,955	117,373,266	0.0506918%	59,499	(328,194)	895,298	88,052,253	
14	Jun	2010	(29,052,318)	58,104,637	88,052,253	0.0506918%	44,635	(328,194)	611,739	58,716,376	
15	Jul	2010	(29,052,318)	29,052,319	58,716,376	0.0506918%	29,764	(328,194)	313,309	29,365,628	
16	Aug	2010	(29,052,319)	(0)	29,365,628	0.0506918%	14,866	(328,195)	-	(0)	
(116,209,273)									Interest	(1,312,777)	
									Total	(117,522,050)	

**ORDINANCE NO. 2010-30****ORDINANCE BY THE CITY OF HUNTSVILLE, TEXAS  
("CITY") APPROVING THE RATE REFUND OF  
ENTERGY TEXAS INC. CONTAINED IN THE  
STATEMENT OF INTENT FILED ON MARCH 25, 2010;  
FINDING THAT THE MEETING COMPLIES WITH THE  
OPEN MEETINGS ACT; MAKING OTHER FINDINGS  
AND PROVISIONS RELATED TO THE SUBJECT; AND  
DECLARING AN EFFECTIVE DATE**

WHEREAS, on or about March 25, 2010, Entergy Texas, Inc. ("ETI") filed a Statement of Intent to Adopt New Rate to implement a new Rough Production Cost Equalization ("RPCEA") refund ("Application") with the City to refund to customers rough production equalization receipts for ETI's Texas service territory;

WHEREAS, the RPCEA rates are anticipated to refund \$28.46 in May, \$21.44 in June, \$15.56 in July, and \$16.07 in August for average residential customers using 1000 kWh per month of electricity;

WHEREAS, the rough production cost equalization receipts were received by ETI in 2009 pursuant to an order of the Federal Energy Regulatory Commission ("FERC"). The FERC determined that the Entergy System Agreement no longer operated to maintain the production costs of the various Entergy operating companies within a reasonable level of parity. As a remedy, FERC implemented a Rough Production Cost Equalization system as part of the Entergy System Agreement. The remedy requires payments among the Entergy Operating Companies whenever an operating company's production costs are greater or less than a percentage of the system average production costs. For 2008, Entergy Arkansas, Inc.'s ("EAI") production costs were substantially below system average production costs. FERC ordered EAI to make payments to the other operating companies in order to roughly equalize the production cost disparity;

WHEREAS, ETI calculates the rough production cost equalization receipts from EAI currently due to Texas retail customers to be \$117.5 million, with interest, and such amount is subject to future adjustment;

WHEREAS, the RPCEA is designed to refund the amounts calculated by ETI to be currently due in a timely manner over the summer of 2010;

WHEREAS, the law firm and consultant hired by City have reviewed the Application, find it to be sufficient, and recommend the Application's approval; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Huntsville hereby approves the refund rates established in ETI's Application.

Section 3. In accordance with Section 36.103(b) of the Texas Public Utility Regulatory Act ("PURA"), the City waives the publication of notice requirement set forth in Section 36.103(a) of PURA.

Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This Ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 6th day of April, 2010.

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J. Turner, Mayor

ATTEST:

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Lee Woodward, City Secretary

APPROVED AS TO FORM:

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Leonard Schneider, City Attorney

